

10/526,572

FLH Docket No. 930908-2197

Rec'd PCT/PTO 11 OCT 2005

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Under 37 CFR § 1.63; includes reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

TUBULYSIN BIOSYNTHESIS GENE

the specification of which:

- ☐ is attached hereto
☒ was filed on _____ - as: 10/526,572 ✓
☒ United States Application Serial No. _____
☒ as a National Phase or Continuation or Continuation-in-Part or Divisional of
PCT Application No. PCT/EP2003/009780, filed September 3, 2003
and designating the U.S., and published as March 18, 2004 on WO 2004/022586 A
☐ with amendments through _____ (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

| <u>Country (or PCT)</u> | <u>Application Number:</u> | <u>Filed (Day/Month/Year)</u> |
|-------------------------|----------------------------|-------------------------------|
| Germany | 102 41 152.2 | 05/09/2002 |

Priority Claimed:

| <u>Yes</u> | <u>No</u> |
|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

 ✓

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States application listed below:

| <u>(Application Number)</u> | <u>(Filing Date)</u> |
|-----------------------------|----------------------|
|-----------------------------|----------------------|

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

U.S. Serial No.: Filed (Day/Month/Year) PCT Application No. Status (patented, pending, abandoned)

I hereby appoint Ronald R. Santucci, Registration No. 28,988, and Frommer Lawrence & Haug LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

Ronald R. Santucci, Esq.
c/o FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

Direct all telephone calls to: (212) 588-0800
 to the attention of: Ronald R. Santucci

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

1-00 Signature: *Gerhard Hoefle* Date: June 20, 2005
 Full name of sole or first inventor: Gerhard HOEFLE
 Residence: Mascheroder Weg 1, 38124 Braunschweig, Germany DEX
 Citizenship: German ✓

2-00 Signature: *Rolf Mueller* Date: 20. Jun 2005
 Full name of 2nd joint inventor (if any): Rolf MUELLER
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3-00 Signature: *Florenz Sasse* Date: 14 June 2005
 Full name of 3rd joint inventor (if any): Florenz SASSE
 Residence: Mascheroder Weg 1, 38124 Braunschweig, Germany DEX
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4-00 Signature: *Axel Sandmann* Date: 21.06.2005
 Full name of 4th joint inventor (if any): Axel SANDMANN
 Residence: Mascheroder Weg 1, 38124 Braunschweig, Germany DEX
 Citizenship: German ✓

over

5-00
Signature: _____

Helmut Bloecker

Date: June 20, 2005

Full name of 5th joint inventor (if any): Helmut BLOECKER

Residence: Mascheroder Weg 1, 38124 Braunschweig, Germany *DEX*

Citizenship: German